

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IMAN SHARIF

Plaintiff,

v.

NATHAN PICONE, et al

Defendants.

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CIVIL ACTION  
NO. 09-CV-02501

(The Honorable Robert F. Kelly)

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2011, upon review of Defendants' Motion for Leave to Take Prisoner Plaintiff's Deposition, it is hereby ORDERED that the motion is GRANTED. Counsel for Defendants may take the deposition of Plaintiff at SCI-Fayette in LaBelle, Pennsylvania, on July 7, 2011, or at such time that is convenient for the prison officials.

IT IS SO ORDERED:

\_\_\_\_\_  
Robert F. Kelly, J.

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IMAN SHARIF	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	NO. 09-CV-02501
v.	:	
	:	
NATHAN PICONE, et al	:	(The Honorable Robert F. Kelly)
	:	
	:	
Defendants	:	

**DEFENDANTS' MOTION FOR LEAVE  
TO TAKE PRISONER PLAINTIFF'S DEPOSITION**

Defendants Correction Officers Nathan Picone, Brian Potance, Thomas Pinto and Lt. Joseph Kospiah (collectively "Defendants") respectfully move this Court pursuant to Rule 30(a)(2) of the Federal Rules of Civil Procedure for leave to take the Deposition of Plaintiff Iman Sharif, who is an inmate currently confined to SCI-Fayette in LaBelle, Pennsylvania.

Defendants state as follows:

1. Plaintiff initiated this action by filing a *pro se* Complaint on July 10, 2009. *See* Doc. No. 5.
2. Plaintiff has actually filed a separate action at 08-CV-02146 alleging acts said to have occurred while he was incarcerated in Northampton County Prison, similar to those claimed in the instant action<sup>1</sup>.
3. On October 6, 2009, Defendants filed an Answer to Plaintiff's Complaint in this matter. *See* Doc. No. 15.

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<sup>1</sup> Defendants would like to take the deposition of Plaintiff on both cases at the same time, and have filed a similar Motion in case 08-CV-02146.

4. Defendants filed a Motion for Leave to Take Plaintiff's Deposition on March 18, 2010. *See* Doc. No. 18.

5. This Honorable Court denied Defendant's Motion for Leave to Take Plaintiff's Deposition on March 22, 2010. *See* Doc. No. 19.

6. Thereafter, Plaintiff was assigned counsel in this matter on October 15, 2010. *See* Doc. No. 22.

7. Plaintiff's counsel then filed an Amended/Corrected Complaint on December 30, 2010. *See* Doc. No. 26.

8. Defendants filed their timely Answer to the Amended Complaint<sup>2</sup> on February 2, 2011. *See* Doc. No. 29.

9. Defendants now wish to renew their motion to depose Plaintiff for aid in trial preparation, to question his claims, and to access his credibility.

10. Counsel for Defendants also contacted SCI-Fayette administrators who stated that July 7, 2011, at 9:30 am, is an acceptable date and time to depose Plaintiff, and have made plans to accommodate counsel's request, pending the issuance of a Order from this Court.

11. Defendants will be prejudiced if they are unable to take the deposition of Plaintiff.

12. Accordingly, Defendants respectfully request that the Court Order the deposition of Plaintiff at SCI-Fayette in LaBelle, Pennsylvania, on July 7, 2011, at 9:30 am, or at such time that is convenient for the prison officials.

Respectfully submitted,

Date: May 31, 2011

/s/ David J. MacMain

David J. MacMain

Lauren K. (Dentone) Milks

Lamb McErlane PC

24 East Market St.

West Chester, PA 19380

*Counsel for Defendants*

*Nathan Piccone, Brian Potance, Thomas Pinto  
and Joseph Kospiah*

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<sup>2</sup> The Answer was Timely pursuant to an extension agreed to by both parties.

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IMAN SHARIF	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	NO. 09-CV-02501
v.	:	
	:	
NATHAN PICONE, et al	:	(The Honorable Robert F. Kelly)
	:	
	:	
Defendants	:	

**DEFENDANTS' BRIEF IN SUPPORT OF MOTION  
FOR LEAVE TO TAKE PRISONER PLAINTIFF'S DEPOSITION**

Defendants Correction Officers Nathan Picone, Brian Potance and Thomas Pinto ("Defendants") respectfully submit this Brief in Support of their Motion for Leave to Take Prisoner Plaintiff's Deposition. For the reasons noted below, Defendants request that the Court order that Defendants may take the deposition of Plaintiff Iman Sharif at SCI-Fayette in LaBelle, Pennsylvania, on July 7, 2011, at 9:30 am, or at such time that is convenient for the prison officials.

Plaintiff filed a *pro se* Complaint against Defendants, three (3) corrections officers and one Lieutenant at the Northampton County Prison, alleging each individual Defendant either assaulted him or failed to adequately protect him. Plaintiff has since entered a plea of *nolo contendere* to criminal charges stemming from the incident about which he complains, and is currently serving a resulting state prison sentence at SCI-Fayette. Accordingly, Defendants respectfully request that the Court again grant counsel for Defendants leave to take the deposition of Plaintiff at SCI-Fayette in LaBelle, Pennsylvania, on July 7, 2011, at 9:30 am, at or at such time that is convenient for the prison officials.

Respectfully submitted,

Date: May 31, 2011

/s/ David J. MacMain

David J. MacMain

Lauren K. (Dentone) Milks

Lamb McErlane PC

24 East Market St.

West Chester, PA 19380

*Counsel for Defendants*

*Nathan Piccone, Brian Potance, Thomas Pinto  
and Joseph Kospiah*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 31<sup>st</sup> day of May, 2011, the foregoing Motion for Leave to Take Prisoner Plaintiff's Deposition was filed electronically and is available for viewing and downloading from the ECF system of the United States District Court for the Eastern District of Pennsylvania.

/s/ David J. MacMain

David J. MacMain